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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles Bernasconi and Shannon Wainright
Serial Number: 09/641,866
Filing Date: August 18, 2000
Examiner/Art Group Unit: C. Bleck/3626
Title: INTERNET-BASED DISPATCHING SYSTEM

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Charles Bernasconi, citizen of the United States, state:

1. I am a co-inventor of an Internet-based dispatching system for the placement of substitute workers into open positions that is the subject of United States application Serial No. 09/641,866, filed on August 18, 2000, which claims priority to United States provisional application Serial No. 60/150,001, which was filed on August 20, 1999.
2. This declaration relates to the date of invention for the above identified application in the United States on a date prior to June 3, 1999, which is the effective date of U.S. Patent Number 6,567,784 to Bukow that was cited by the Examiner in the Office Action dated November 18, 2003 and prior to July 31, 1999, which is the effective date of U.S. Provisional Patent Application Serial No. 60/146,776, to Joao that was cited by the Examiner in the Office Action dated July 19, 2004.
3. In response to a request by the Examiner, my co-inventor and I are providing herewith all known existing materials, publications, brochures, manuals, and/or press releases that describe the computer system that we created prior to June 1, 1999 that was used by Sue Lunsford and Jay Boitano prior to June 1, 1999 as described in their filed declarations.

4. Exhibit A is a Declaration of Sue Lunsford, who is not an inventor of the application. As shown in Ms. Lunsford's Declaration, she and I worked step by step to successfully and fully operate the system in training and testing sessions on April 6, 1999 through April 10, 1999.

5. Previously and during the month of May 1999, my co-inventor and I were actively marketing a system based on the invention under the name Substitute Online. Exhibit B is a flyer entitled "New Release" that we first sent out in April or May, 1999.

6. Exhibit C is a fax dated May 21, 1999 signed by me. It is in response to a call for more information about the Substitute Online system from a potential client at the Ontario/Montclair School District. It shows that our early marketing materials, one of which we called "New Release", were received by prospective customers before May 21, 1999.

7. During the month of May 1999, we wrote an article for several trade Journals and submitted it to them for publication. Exhibit D is a copy of the cover and the actual article in the Technical Horizons in Education (T.H.E.) Journal with an August 1999 cover date.


8. Exhibit E is a flyer that we distributed to prospective customers in about May to September 1999.

9. We distributed Exhibit F to prospective customers in about June to November 1999. It describes the system as it worked in April 1999 (and later).

10. Exhibits G and H are updated instructional manuals for teachers and substitutes. These sheets describe the system as it worked in April 1999 (and later). We first distributed a prior version of these sheets to users in about June 1999, but we no longer have copies of the originals. Exhibits G and H are based on the original sheets and reflect updates to the sheets made after June 1999.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or of any patent issuing thereon.

Dated: 9/15/04



Charles Bernasconi

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Charles Bernasconi and Shannon Wainright
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Title: INTERNET-BASED DISPATCHING SYSTEM

DECLARATION OF SUE LUNSFORD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Sue Lunsford, declare as follows:

1. I am currently the State and Federal Programs Secretary for the Bellingham School District, Bellingham, WA.
2. On March 19, 1999, I attended a meeting with Charles Bernasconi and the technical director of the Tukwila School District, Leroy Stevens. At the time, I was the Substitute Coordinator for the Tukwila School District. The school district was using an IVR phone calling system, termed "SAMVoice." SAMVoice was DOS based and could not multi-task. It was located on a dedicated PC computer under my desk with another backup computer. It was connected through a voice card to 2 dedicated phone lines.
3. The IVR phone system only called out at limited times in the evening and in the early morning. The system could only call one person at a time off a list from the employee database. Many open/vacant positions were not filled even after dozens of attempted calls. When the phone

system called a substitute employee regarding an open/vacant position, the substitute could only listen to a limited 30-second description of information about the open/vacant position.

4. Many employees complained about busy signals or that the system was not operating. Usually it was because the system had to be shut down to run reports or to do backups of the database. Reports were not in real time.

5. Another problem was that when a position status was changed from "open" to "filled" on one phone line, the other phone line could still be calling out to substitute employees, unaware of the change. Until the other phone lines cleared, the status change from "open" to "filled" could not be completed.

6. At the above mentioned meeting, Mr. Bernasconi explained the operation of a new Internet-based ASP dispatching system his company had invented. The goal was to reduce the time, equipment expense and effort needed to place qualified employees in matching open/vacant positions.

7. The Internet-based ASP dispatching system was designed to: match an open position(s) to an employee(s), match an employee(s) to an open position(s), process job fulfillment information on the Internet with web pages unique to each employee, provide simultaneous notification to appropriate employees in real time, allow a priority for preferred substitutes, allow filling open vacant positions where there was no employee to replace and also, update job information status in real time, automatically and simultaneously to all browser screens of persons accessing the system via the world-wide-web.

8. After explaining how the system would work to solve many of the problems of the previous system, Mr. Bernasconi attempted to demonstrate the program at my desk. The district computer was too slow to process the information efficiently from the Internet through the district server so we decided to hold a follow-up training and testing session after the district

purchase of a higher speed computer. We provided Mr. Bernasconi with actual Tukwila School District data respecting schools, teachers and substitutes for this follow-up session. Each employee record in the employee database had to be provided an assigned unique proper logon code which was associated with each employee's new web page. When fully implemented, employees would have access to the Internet at their work place or any remote computer which was coupled with the server computer.

9. Mr. Stevens approved the order of a high speed computer system PO #44837, dated March 23, 1999. On April 6th, 1999 and ending April 10th 1999, Mr. Bernasconi and I had several operational training sessions utilizing actual information from the Tukwila School District with current teacher, employee, school and substitute data via the new Internet access computer.

10. At the training sessions that week, Mr. Bernasconi and I went through the new system components, step by step, feature by feature. He gave me my access code and I logged on from the district home page and a link to the company computer network server through my client computer. The database was hosted on the network server computer through the Internet. As the Tukwila School District system operator, I had full database access and security privileges. I was presented with a number of access buttons and drop down lists of options/features on my web page, in order to efficiently administer the system.

11. I was provided with a database of employee web pages. Each employee had their own associated web page to the database. I began by entering and editing regular contracted employee record information into the <Employees File> database. The database held information about qualifications and credentials of each employee/and each vacant position. I entered a proper logon pass code for each employee which then associated in the database with the employee. Each pass code was unique to each employee record in the database. When an employee entered their proper logon code into the system from their client computer, the pass code would present each employee with their associated and unique web page. I also entered

some vacant positions that did not have employees but did have specific required qualifications. I entered employee and position job types and job status information including location, and other qualifications. I also entered “personalized” information on behalf of employees including but not limited to contact information, job schedules, preferred substitutes and rejected substitutes.

12. I next entered information regarding a plurality of substitute employees using the <Substitutes File> feature of the system. The database had information about the qualifications of each of the substitute employees, their logon code and therefore the associated web page(s) that they would access when they logged on to the system via their own web browser program accessible at their remote client computer. Also included were state and district qualifications, job type, their active status and other information. To test that each logon was unique and associated with each substitute, I logged on as several different substitutes. I entered contact information, work availability, excluded sites, etc., as if I were each of the substitute employees, personalizing their own web page(s).

13. Once I had set up web pages of multiple numbers of employees and substitute employees in the database and having information about the qualifications of each of the employees, positions and substitute employees, we set default codes for district reasons for absence, date ranges, holidays and various district default accounting codes. I was now ready to test the system dispatching component.

14. The feature of automatically matching an open employee/position to a qualified employee in the employee database was the first process we tested. As the system administrator I generated a plurality list of employee/open positions from the open positions database posted on a web page interface on my browser. I was also able to determine the qualifications of each employee/position from the interface. I next determined a specific employee/open position that had at least one qualification and activated a triggering mechanism to have the processor match the employee/open position with a plurality list of available and qualified substitute employees for the open employee/position, in real time. The system

immediately sorted the substitute employees in the employee database into those having the required qualification for that open employee/position and those not having the qualification. Those having the qualification displayed on my screen with several other sort options.

15. In order to test the open employee/position feature of simultaneous notification of qualified substitute employees to their web page, we opened multiple substitute web pages with Internet Explorer running under the Windows multi-tasking OS. We had logged on as three different substitutes using their separate logon pass codes. These were substitutes that we knew matched the qualifications of the open position that I was about to process. This would verify that the position was simultaneously available without delay on each qualified substitute employee's web page. We had also setup Windows for two different substitute web pages, using their pass codes, that did not match the qualifications of the employee/open position. This would verify that the position was not available on each of the unqualified employees' web page and that the system sorting component was operable to identify employees in the database having the qualification from those not having the qualification.

16. When I activated the notification triggering mechanism (toggle button), on my remote client computer, the three substitute windows that had the qualification, had immediate access to information about the open position on their web page. The two substitutes that did not have the qualification, did not receive notification by having the position posted to their web page(s). The system worked to simultaneously notify only qualified employees at their open jobs web page.

17. Another process we tested was the method of automatically matching an employee to an open employee/position from the database of employees, with their associated corresponding qualification(s). I entered another absence on behalf of the same employee that had at least one of the previous qualifications, but with a later absence date. The notification triggering device was the submitting of the absence by the employee from their web page interface which I did on behalf of the employee by using the absent employee's pass code. The

three substitute windows, that had the corresponding qualification(s), again had immediate access to information about the open position on their web page(s). The two substitutes that did not have the qualification had the position filtered out of their open jobs web page(s). The unqualified employees did not receive notification by having the position posted to their web page(s). The system worked to filter out employees that did not match the required qualifications of the open employee/position(s). It worked simultaneously to notify only qualified employees at their web page.

18. Another process to test was to determine if the system operated correctly to select and filter preferred substitute employees by giving them a first priority in being able to access the posted open employee/position job information prior to other substitute employees having all the qualifications other than being a first priority for the position. The testing procedure was for me to first enter an employee's <Personal Info> option and mark any/all requested (first priority) substitutes in the database. I utilized a previous substitute that had the qualification(s) for the open employee/position of this employee, as one of the preferred (first priority) substitutes.

19. I again entered the system as if I were the specific teacher that had the preferred substitute(s) previously stored in the database. I entered the <New Absence> web page and selected a future date that did not conflict with the prior absences. The absent employee's information, associated with their <New Absence> web page, again displayed automatically. It included but was not limited to: teacher's name, location, qualifications, contact information, class subject schedules, future time and date of absence, reason, shift and the preferred (first priority) substitute that had been pre-selected.

20. I submitted the absence as the regular teacher in one window on my remote computer. The preferred substitute's window immediately had the position posted to their web page when I clicked their <Open Jobs> button. The other two substitutes that had qualifications, but were filtered out of the match to the open position, as a second priority, did not have the

open employee/position posted for access, on their web page(s).

21. To test the feature of filling a reported vacant position (not having an associated absent employee), I generated a plurality list of vacant positions from the vacant positions database listed on a web page interface on my browser. I was able to determine the qualifications of each vacant position from the interface. I next determined a specific vacant position that had at least one qualification and posted the vacant position to the network by pressing the Submit button. This activated a triggering mechanism to have the processor match the vacant position with a plurality list of available and qualified substitute employees for the vacant position, in real time.

22. In order to test the open vacant position simultaneous notification of qualified substitute employees to their web page, we opened multiple substitute web pages with Internet Explorer running under the Windows multi-tasking OS, using their separate logon pass codes. These were substitutes that matched the qualifications of the vacant position that had been posted.

23. The substitute windows on my screen that had the qualification, had immediate access to information about the open vacant position on their web page. The substitutes that did not have the qualification, did not receive notification by having the vacant position posted to their web page(s). The system worked to simultaneously notify only qualified employees at their open jobs web page.


24. A further step was for me, as one of the qualified substitutes, to select and submit a job request using the <Submit Job Request> button. As the "assigned" substitute, I immediately received a change message and confirmation number on my web page, indicating acceptance of the open position I had selected from the positions database posted on my browser screen. The remaining qualified substitutes simultaneously received a notice "change" message that the open position had been filled. On refresh or a time parameter, their <Open Jobs> pages

automatically updated by removing the now changed position. The other open employee or vacant positions remained unchanged and were still posted to the web pages, of each of the available substitutes, dependent on their qualification(s).

25. As of April 10, 1999 when I tested the system, the system was fully operational as described above for the reporting of absences and dispatching of substitutes through secured Internet web pages.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or of any patent issuing thereon.

Dated: 9-14-04



Sue Lunsford

Computer Software Innovations, Inc.

1905 Mukilteo Speedway
Mukilteo, WA 98275
Phone (800) 735-7063

**Exhibit
C**

Fax

To: Mark Douglas - Personnel Director Ontario/Montclair SD

From: Chuck Bernasconi - President

May 21, 1999

Dear Mark,

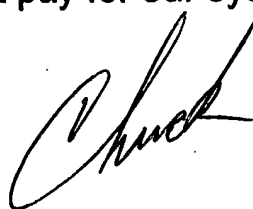
Enjoyed talking with you about our new product **Substitute OnLine**. I am sending you more info than you may want but it should be helpful to you and your boss. Again there are no setup or maintenance fees if you will be the first in LA area to use the system. The user fee will be **less than \$1.00/day** and we will work with you on your budget requirements and timelines for being a referral. This should take you well into the next millenium.

The "**New Release**" copy is out to national journals June 1.

I've included 3 screens from the design program and will have an online demo in the next week or so. **Screen 1** shows how employees enter and edit their info. We download name and logon codes. Once they have that set, for an absence they use **screen 2**. The default info goes to the current day. Under **Reason/Charge to** they select **District Initiated** for any workshop/s. **Screen 3** shows what subs see. Again they do not see any job where they are rejected. Only requested subs see a job until 6:00 pm the night before the job starts.

The "**Advantages**" form is self explanatory as are the **specifications**. I've also included results of a bid from a district that is about 1200 teachers. The annual maintenance alone from that bid would almost pay for our system.

Any questions, please call.



THE JOURNAL

TECHNOLOGICAL HORIZONS IN EDUCATION

AUGUST 1999

**Exhibit
D**

ADMINISTRATIVE APPLICATIONS:
**Enterprise-wide
Solutions**

Volume 27, Number 1
USA \$3.50, CANADA \$4.50

Volume 27, Number 1, August, 1999

Creating and Distributing Surveys Made Easy

Scantron has introduced eListen, an electronic data collection tool that lets you create powerful surveys in minutes. These surveys can then be administered by Internet, Intranet, e-mail, diskette or paper. It automatically tabulates and analyzes results, and also creates powerful graphic reports supporting your recommendations.

Survey-building functions of eListen include: the ability to open multiple surveys; cut, copy and paste functions; the ability to easily add questions, pictures and to insert pages; online help; drag and drop questions; as well as support for multiple backgrounds. Once the survey is designed, it can be rapidly deployed through the World Wide Web, Intranet, network or e-mail. Answers are automatically collected and stored in eListen's open database or in a custom database of the user's choice. *Scantron Technologies, Tustin, CA, (800) 722-6876, www.scantron.com.* Online Reader Service #601

Arrange for Substitute Teachers Online

Substitute OnLine, from Computer Software Innovations, Inc., is a 24-hour automated online substitute dispatching system. It is designed to replace expensive, complicated and awkward telephone calling systems. Clicking a button from the district home page and using a log-on code, teachers, secretaries and the district dis-

patcher can enter an absence in as few as three mouse clicks. Absence information is then available immediately to all qualified substitutes in the district pool.

Jobs are then screened from rejected subs while requested subs are optionally e-mailed/paged and have first priority until 6:00pm the night before an absence begins. The system is more efficient in job notification because information

is immediately available to all district subs on their PC. Substitutes may preview all job details including a printout of lesson plans entered by the teacher. School secretaries may also verify each sub assigned and when the job was accepted. *Computer Software Innovations, Inc., Seattle, WA, (800) 735-7063.*

Online Reader Service #602

Convenient Connection for Remote Schools

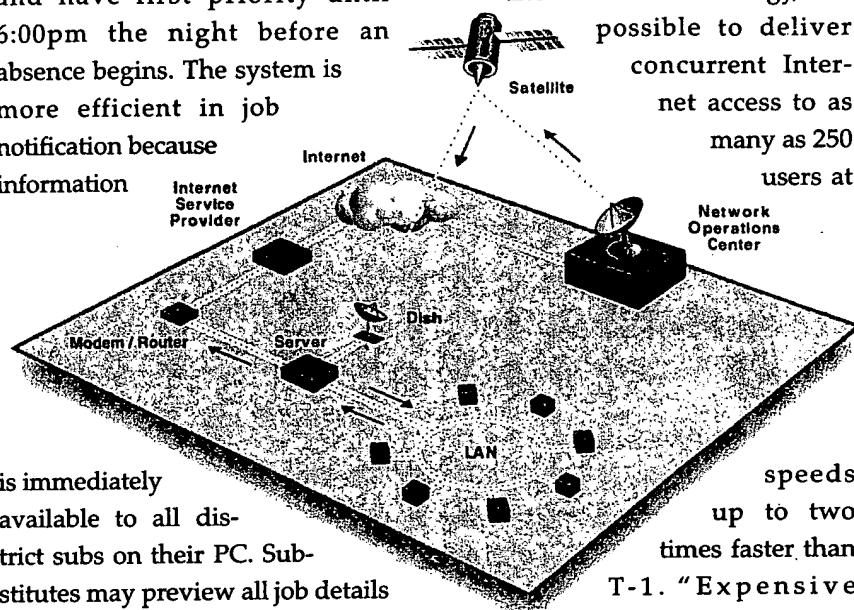
In response to the FCC's decision to dedicate \$2.25 billion to connect every remote school and library, Helius, Inc. has introduced the **Helius E-Rate Bundle**. The product and service solution provides schools with complete Internet connectivity under one roof. Coming

com
lite
and
as

Exhibit D

remote supply, an... bundle setup and recurring costs qualify for the E-rate.

Using Helius Optimized satellite interface technology, it is possible to deliver concurrent Internet access to as many as 250 users at



speeds up to two times faster than T-1. "Expensive phone lines can take months to install," said Helius CEO Myron Mosbarger. "Schools can have a mini dish installed and be up and running in two to four hours at a fraction of the cost."

Offered with the E-Rate Bundle is the Virtual Technician service. It enables Helius support representatives to configure, service and maintain a school system's Internet connectivity anywhere in the world from company headquarters in Utah, eliminating the delays and expense of waiting for service technicians to come to the site. *Helius, Inc., St. Orem, UT, (888) 764-9020, www.helius.com.*

Online Reader Service #603

Substitute Online™

Advantages over Phone Calling Systems

Exhibit
E

Substitute Calling Systems



Costs \$10K to \$60K or more to setup a 4-8 line hardware system. Must have dedicated phone lines on-site.

Maintenance fees of up to \$7,000.00 year

Takes several weeks to load data, record voices, issue instructional guides and train staff.

Data entry for changes are made by system administrator.

Lesson plans are voice recorded in a minimum time frame by teacher and must be written down by substitute.

Equipment takes up office space and must be serviced regularly including backups.

Absence calls require step by step walk through directions and confirmations over limited number of phone lines.

Absences reported are available to substitutes based on number of phone lines, i.e. 4.

Subs must be near home phone to receive call during call out period.

District pays for long distance calls outside of local area as do subs that call in for assignments who live outside the local area.

Having each school secretary monitor absences in real time, requires a WAN/software setup and up to \$14,000 in additional costs.

No setup costs for any new, or existing school district that uses our system or switches from a competitor system. (Limited offer)

User fee of less than \$1 per absence/day. No charge for cancellations.

Downloaded data is ready immediately. Employees and substitutes are trained online, at their convenience or by the district. We also train the substitutes.

Changes in selected information, are made by employees and substitutes, online.

Teachers have maximum time and space to enter detailed lesson plans and directions. Subs can print out with one key.

Provides server hardware and redundant backup off-site. System administrator uses current web access computer. Unlimited number of on-site client computers.

Absences are entered by employee, secretaries or dispatcher with as few as three (3) mouse clicks.

A reported absence is immediately available to **ALL** qualified (not rejected by teacher/school) substitutes.

Subs may preview/take assignments from any internet access point, i.e. home, school, neighbor, friend, family, Kinko's, library, etc. Requested subs may be paged.

All access calls to the system, from anywhere, are local calls 24 hrs a day.

Each secretary/administrator can monitor absences real time at school or at home/anywhere, print out lesson plans, reject substitutes and even dispatch "holdovers." There is no additional charge.

Computer Innovations - 1(800)735-7063

Substitute:

"I'm able to preview at any time, all job openings from my home computer, PC or Mac. I may select the one/s I want and even print out a lesson plan and directions if left by the teacher. I receive no phone calls at 5:00am and I'm able to print a history for the year of all the assignments I've had including pay amounts. If a teacher requests me, I may be paged and/or emailed immediately. The job is held for me to confirm until 6:00pm the night before the assignment starts."

Employee:

"I'm able to update what I teach at any time, see the names of subs I've had in the past, reject the ones I don't want in the future and with one click, request the sub/s I do want. I can do this all from my computer at home or school. I may report an absence with as few as 3 mouse clicks and enter and update my lesson plans at any time. The information automatically goes to the sub. If I have a question, there is a step-by-step tutorial I'm able to access with one click."

School secretary:

"I see in real time and printout from my computer at home or at school, who is absent at my school and the name of the substitute to expect for the day, including when they were assigned. If there are absences for the next day and we have some good subs I want to hold over, I can assign them myself with just 4 mouse clicks even before they leave the building. I'm also able to print out an absence summary for the day or a history of any teacher/employee and give it to my principal. It includes the reason and the day/s of the week that they are absent. I may also reject specific subs from our school and they never even see our absences."

District coordinator:

"I'm able to see which jobs require the personal touch, generate a list of available subs with one click and call the sub myself. If an absent teacher does not use web technology, I'm able to enter their absence in 3 clicks for them and it immediately goes out to all remaining subs in the pool. I'm also able to dispatch from my PC at home at night or in the morning, before neighboring districts even start calling subs."

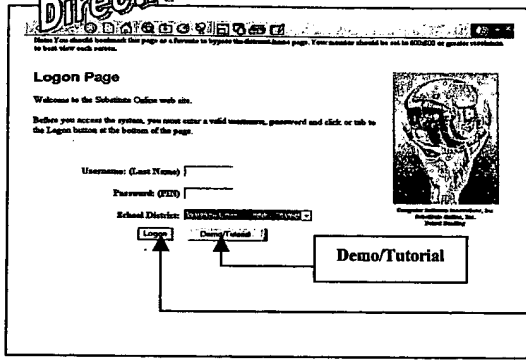
District administrator:

"The data for our district is setup one time in 2 hours. Employees update their own data including what they teach and where they are assigned. Personnel are trained online even at home with a step-by-step tutorial. Teachers that don't have web access may call our recorder and leave a message for the dispatcher when ill. There is no equipment to setup or equipment fees, no maintenance fees or remote access fees. We use our current web access computers. The total cost is about \$1.00 per absence/day and there is a no risk trial to make sure it works for our district. It also tracks and limits district absences for workshops, release days, etc., including budget codes for payroll."

Substitute Directions

Substitute Online™

G

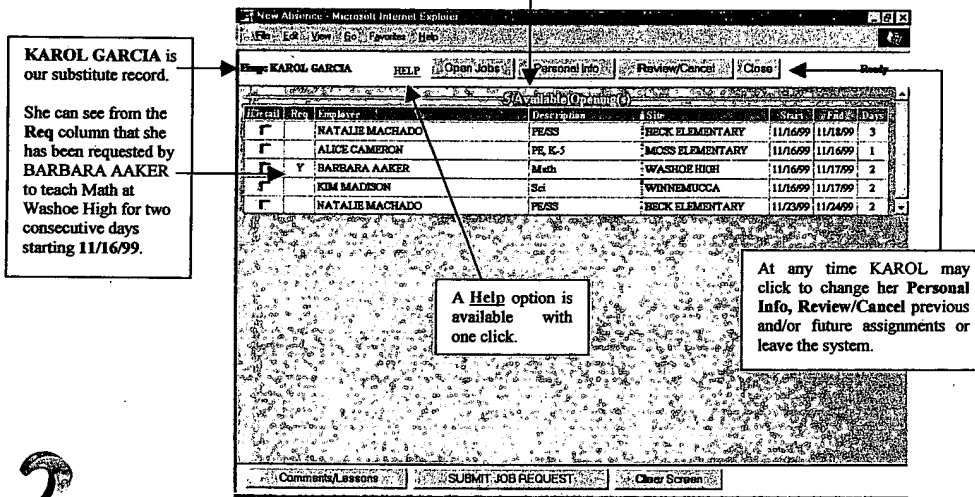


With 3 clicks you may Log-on, Select and Submit a Job Request from your web page.

As an approved substitute, you must first Log-on. The Log-on screen should appear with the Log-on button visible. If you do not see the Log-on button, you need to first adjust your System, Properties, Settings to 800 by 600 pixels.

The program requires your Last Name and Password. Click the Log-on button when ready, two more clicks and you are done.

The system automatically generates a matching list of all available job openings.



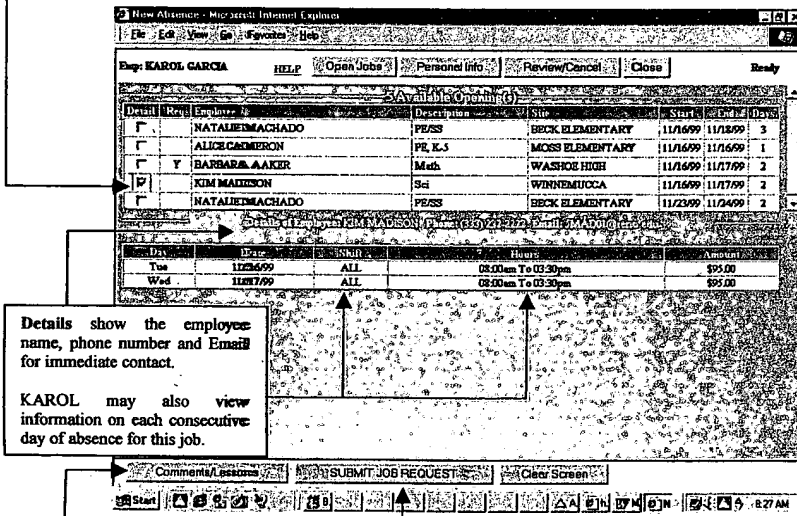
KAROL GARCIA is our substitute record. She can see from the Req column that she has been requested by BARBARA AAKER to teach Math at Washoe High for two consecutive days starting 11/16/99.

A Help option is available with one click.

At any time KAROL may click to change her Personal Info, Review/Cancel previous and/or future assignments or leave the system.

2

KAROL clicks on the Detail box (Open Position) for employee KIM MADISON.



Details show the employee name, phone number and Email for immediate contact.

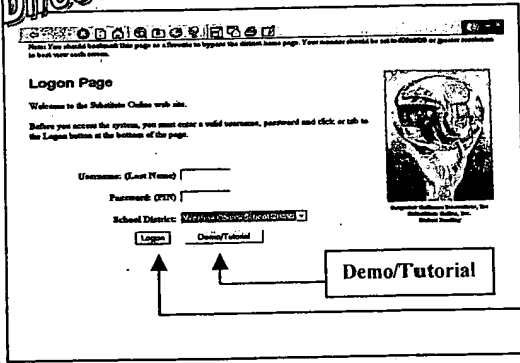
KAROL may also view information on each consecutive day of absence for this job.

KAROL may click on Comments/Lessons to view and print a lesson plan if left by the absent teacher.

KAROL clicks on **SUBMIT JOB REQUEST**. If no other substitute has taken this job first, she will receive a confirmation number. If already taken, she would immediately click on **Open Jobs** to update her qualified list and select another Open Position that matches her availability.

Employee Directions

Substitute Online™ A One Day Absence in only 3 Clicks



With 3 clicks you Log-on, Enter a New Absence and Submit the absence from your web page.

As an approved employee, you must first Logon. The Logon screen should appear with the Logon button visible. If you do not see the Logon button, you need to first adjust your System Monitor Properties to 800 by 600 pixels.

The program requires your Last Name and Password. Click the Logon button when ready. The program assumes you are reporting a New Absence.

Employee Name

The option to enter a new absence appears automatically.

Barbara Aaker teaches 5th grade at Gomm Elementary. She is logging in on Sunday evening so the system assumes she will be absent tomorrow, Monday, ALL day shift due to SICK USE charged to her. She may make changes on this Edit Bar regarding the date, shift, and/or reason. If it is only for one day, she may click SUBMIT ABSENCE now.

2

If her absence is for several days in a row, she may click Add Days for each consecutive day.

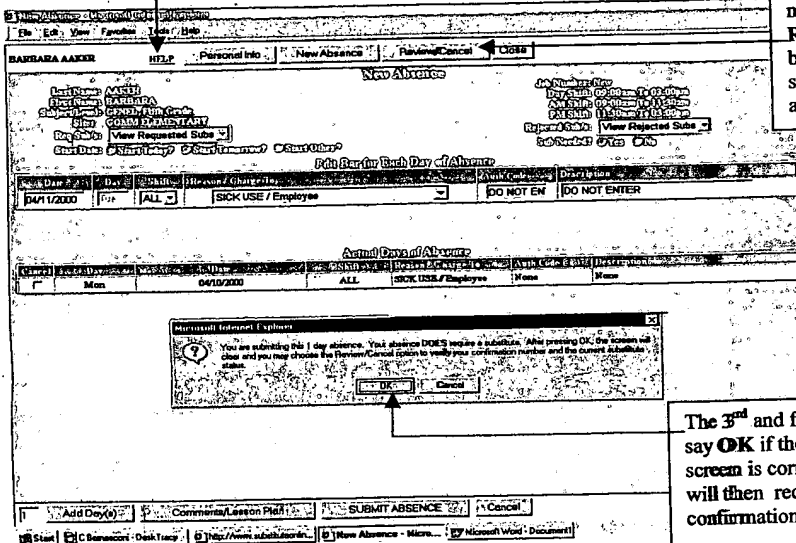
She may also leave detailed lesson plans, update them at any time or copy and paste from her word processor.

Barbara can check to see the names of subs she has requested or rejected in the past.

She may Click on a Sub's name if she has Pre-arranged with the specific Sub to take the job.

Help is just a click away

At any time she may click the Review/Cancel button to verify a sub or cancel an absence request.



The 3rd and final click is to say OK if the confirmation screen is correct. Barbara will then receive a confirmation number.

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